

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

U.S. DISTRICT COURT
DISTRICT OF N.H.
FILED

UNITED STATES OF AMERICA

2009 MAR -5 P 3:53

v.

Cr. No. 09-CR-54 -01-PB

JERRY VITO MARINO

INFORMATION

THE UNITED STATES ATTORNEY charges that at all times relevant to this Information:

1. The face value of a high value life insurance policy ("high value policy") was between \$5 million and \$10 million. To qualify for a high value policy an applicant for the policy must, among other things, be at least 70 years old and have a personal financial net worth that is at least equal to the face value of the policy he intends to purchase. To maintain a high value policy, an insured must pay premiums to an insurance company that total several hundred thousand dollars each year.

2. Balcarres, LLC ("Balcarres"), was an insurance agency located in Manchester, New Hampshire. Balcarres' sold high value policies for Phoenix Life Insurance Company, AXA Insurance Company and Penn Life Insurance Company ("the insurance companies").

3. When a customer of Balcarres purchased a high value policy, the insurance company that issued the policy paid an up-front commission to Balcarres that was equal to more than 100% of the premium for the first year of the policy.

4. In 2006, Balcarres' owner, Colin P. Lindsey, agreed to pay a fee to the 450 Fourth Avenue Revocable Trust, each time its trustee, **JERRY VITO MARINO**, identified a person who purchased a high value policy from one of the insurance companies through Balcarres. To earn this fee, **MARINO** was required to submit information to Lindsey to demonstrate that an applicant for a high value policy had a personal financial net worth that was at least equal to the face value of the policy he or she wished to purchase.

Mail Fraud - 18 U.S.C. §1341

5. From in and around October 2006 to in and around October 2007, in the District of New Hampshire and elsewhere, the defendant,

JERRY VITO MARINO,

knowingly and willfully engaged in a scheme and artifice, devised by Lindsey, to obtain money from the insurance companies by means of false and fraudulent pretenses, representations and promises and, for the purpose of executing the scheme, caused mail matter to be delivered according to the directions thereon by the United States Postal Service, in violation of 18 U.S.C. §1341.

6. It was part of the scheme and artifice that from in and around October 2006 to in and around October 2007:

a. **MARINO** knowingly caused personal financial statements and other documents to be delivered by the United States Postal Service to Lindsey that falsely and fraudulently exaggerated the personal financial net worth of people who submitted applications for high value policies to the insurance companies, through Balcarres;

b. Lindsey knowingly caused the false and fraudulent personal financial statements, other documents he received from **MARINO** and applications for policies to be submitted to the insurance companies; and

c. The insurance companies relied on the false and fraudulent information that was provided to them by **MARINO** and Lindsey to approve fourteen high value policies, which resulted in commission payments to Balcarres that totaled approximately \$6.5 million and payments from Balcarres to the 450 Fourth Avenue Revocable Trust and applicants for the insurance policies that totaled approximately \$2.75 million;

All in violation of Title 18, United States Code, Section 1341.

Dated: March 5, 2009

THOMAS P. COLANTUONO
United States Attorney

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